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TN REGULATORY AUTHORITY
DOCKET ROOM

December 8, 2004

Honorable Pat Miller, Chairman
Tennessee Regulatory Authority
ATTN: Sharla Dillon, Dockets
460 James Robertson Parkway
Nashville, TN 37243-5015

Re: Petition of Citizens Telecommunications Company of Tennessee, LLC for
Exemption Under T.C.A. §65-5-208(c); Docket No. 03-00211

Dear Chairman Miller:

Enclosed for filing in the above-referenced matter, please find a copy of the response of Ben Lomand Communications, Inc.'s to the First Set of Discovery Requests propounded by Citizens Telecommunications Company of Tennessee, LLC.

Sincerely,



H. LaDon Baltimore

LDB/dcg
Enclosure

cc ~~Guy Hicks, Esq.~~
Gib Thornton, Esq.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)	
)	
PETITION OF CITIZENS)	
TELECOMMUNICATIONS)	
COMPANY OF TENNESSEE, LLC,)	DOCKET NO 03-00211
d/b/a FRONTIER COMMUNICATIONS)	
OF TENNESSEE FOR EXEMPTION)	
UNDER T.C.A. §65-5-208(c))	

**RESPONSE OF BEN LOMAND COMMUNICATIONS, INC.'S TO
FIRST SET OF DISCOVERY REQUESTS OF
CITIZENS TELECOMMUNICATIONS COMPANY OF TENNESSEE, LLC**

Comes now Ben Lomand Communications, Inc. ("Ben Lomand") and responds to the first set of discovery requests of Citizens Telecommunications Company of Tennessee, LLC ("Citizens").

GENERAL OBJECTIONS

1. Ben Lomand objects to the First Set of Discovery Requests to the extent they seek information or documents that are privileged under the attorney-client privilege, work product, or any other privilege.
2. Ben Lomand objects to the First Set of Discovery Requests to the extent they call for a legal conclusion.
3. Ben Lomand objects to the First Set of Discovery Requests to the extent they seek information or documents which are contained in public records and/or are as equally accessible or available to Citizens as they are to Ben Lomand.
4. Ben Lomand objects to the First Set of Discovery Requests, and the defined terms therein, to the extent they are overly broad and/or unduly burdensome, unlimited in time and

scope, vague and ambiguous, and/or seek information that is irrelevant or not calculated or likely to lead to admissible evidence.

5. Ben Lomand objects to the Definitions and Instructions contained in the First Set of Discovery Requests to the extent they are overly broad and/or unduly burdensome, vague and ambiguous, and/or impose obligations or duties beyond the permissible scope of the Tennessee Rules of Civil Procedure and the TRA's Rules of Practice and Procedure.

Subject to and reserving the foregoing General Objections and its rights to amend and or supplement these responses should additional information become known or additional documents identified, Ben Lomand responds to the First Set of Discovery Requests as follows:

1. List all products and services BLC offers in Frontier's McMinnville exchange and the associated rates charged end users.

RESPONSE: Ben Lomand objects to Discovery Request No. 1 as it seeks information or documents which are contained in public records and/or are as easily accessible or available to Citizens as they are to Ben Lomand. Subject to such objections and the general objections set forth above, Ben Lomand would state that all such products and services are listed in tariffs on file with the Tennessee Regulatory Authority as public record.

2. List all products and services BLC offers in Frontier's Sparta exchange and the associated rates charged end users.

RESPONSE: See response to Discovery Request No. 1.

3. Have cost studies been prepared to support the rates charged end users for each service? If not, what was the basis for setting each rate.

RESPONSE: No such cost studies have been prepared. Ben Lomand sets its rates in order to be competitive with Citizens, furnish services to its customers, and make a reasonable return on its investments.

4. Indicate the number of year end access lines served (WTD for 2004), broken down by business and residence class of service, in Frontier's McMinnville exchange since 1998.

RESPONSE: See attached Exhibit 1

5. Indicate the number of year-end access lines served (WTD for 2004), broken down by business and residence class of service, in Frontier's Sparta exchange since 1998.

RESPONSE. See response to Discovery Request No. 4.

6. For each product and/or service identified in response to requests no. 1 and 2, identify pricing discrepancies for products and/or services offered by BLC as compared with such prices and/or services offered by Ben Lomand Rural Telephone Cooperative, Inc.

RESPONSE: This information does not relate to the issue of granting Citizens relief from the price floor, and it is proprietary information. Ben Lomand objects to this request for the reasons stated in its General Objections 4 and 5. In addition, Ben Lomand objects because Ben Lomand Rural Telephone Cooperative, Inc. is not a party to this matter. Furthermore, Ben Lomand objects because the prices and/or services offered by Ben Lomand Rural Telephone Cooperative, Inc. are not at issue in this matter. Last but not least, Ben Lomand objects to any request regarding Ben Lomand Rural Telephone Cooperative, Inc. as beyond the jurisdiction of the Tennessee Regulatory Authority. Ben Lomand Rural Telephone Cooperative, Inc. is a telephone cooperative and as such is expressly excluded from the definition of "public utility" in

Tenn Code Ann. §65-4-101. Furthermore, the Authority's jurisdiction is expressly limited by
Tenn Code Ann §65-29-130.

Respectfully submitted,



H. LaDon Baltimore, BPR #003836

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Counsel for Ben Lomand Communications, Inc

Certificate of Service

The undersigned hereby certifies that on this the 8th day of December, 2004, a true and correct copy of the foregoing has been forwarded via first class U. S. Mail, hand delivery, overnight delivery, electronic transmission, or facsimile transmission to the following.

Guilford F. Thoronton, Jr., Esq.
Stokes, Bartholomew, Evans & Petree
424 Church Street, Suite 2800
Nashville, TN 37219



H. LaDon Baltimore

EXHIBIT 1

ACCESS LINES		
Date	McMinnville	Sparta
1998	0	0
1999	0	0
12/31/00 - Business	842	0
12/31/00 - Residential	2,211	0
12/31/01 - Business	1,543	355
12/31/01 - Residential	3,276	634
12/31/02 - Business	1,637	489
12/31/02 - Residential	3,572	799
12/31/03 - Business	1,677	498
12/31/03 - Residential	3,560	841
11/30/04 - Business	1,706	522
11/31/04 - Residential	3,613	830